

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.32410 of 2016

And

W.M.P.No.28111 of 2016

- 1 G.Sampath Kumar
- 2 R.Jayalakshmi
- 3 A.Kumaravel
- 4 S.Robin Sundar Singh
- 5 G.Vasanth Kumari
- 6 R.Suguna
- 7 C.Leela
- 8 G.Mary Nirmala
- 9 P.Sivakumar
- 10 R.R.Sivakumaran
- 11 T.M.Usha Rani
- 12 Balaguru
- 13 K.Karuthavel Pandian
- 14 K.Subramani
- 15 V.Rajendran
- 16 P.Rajakumaran
- 17 V.Vairavelu
- 18 N.Umapathy
- 19 J.Punithavathi
- 20 D.Krishnaveni
- 21 R.Roja

22 S.Jaishankar

23 R.Mani

24 Devaki ... Petitioners

Vs.

1 The Secretary to Government
Personnel and Administrative Reforms Department
Fort St. George
Chennai – 600 009.

2 The Secretary to Government
Tamil Nadu Municipal Administration and Water Supply Department
Fort St. George
Chennai – 600 009.

3 The Commissioner of Municipal Administration
Chepauk
Chennai – 600 005. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to frame ad hoc rules in the petitioners' service namely, Tamil Nadu Municipal Information Technology Service within the time frame prescribed by this Honourable Court.

For Petitioners : Mr.M.Muthappan
For Respondents : Mr.A.Zakir Hussain
Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the respondents to frame ad hoc rules in the petitioners' service namely, Tamil Nadu Municipal Information Technology Service within the time frame prescribed by this Court.

3.The petitioners herein were appointed as Data Entry Operators in the years 1999 and 2000 and their services were regularized vide G.O.Ms.No.60 dated 11.04.2008. Though the post was regularized in the said Government Order, there is no rule framed for the said post. Thereafter, the Commissioner of Municipal Administration vide proceedings dated 12.08.2008, ordered declaration of probation and thereafter, in G.O.Ms.No.84, dated 12.06.2013, notified the establishment of the said service by constitution of Tamil Nadu Municipal Information Technology Service. Though the constitution of the new service was notified as early as in the year 2013, no ad hoc rule is framed for the said service till date and all the petitioners are stagnated in the same post from their initial appointment. The petitioners in this regard, submitted individual representations, but they have not been considered so far. Hence, left with no other alternative, the petitioners have come up with the present writ petition.

4. Heard the submissions of the learned counsel appearing for the petitioners and the learned Government Pleader who takes notice for the respondents.

5. Though this writ petition has been filed for a positive direction to frame ad hoc rules in the petitioners' service namely, Tamil Nadu Municipal Information Technology Service, this Court is not inclined to pass a positive direction. However, it is represented by the learned counsel appearing for the petitioners that individual representations have been given to the first respondent on 08.08.2016, hence, this Court feels that it would be appropriate to direct the first respondent to consider the said representations. Accordingly, this Court directs the first respondent to consider the individual representations submitted by the petitioners, on merits and in accordance with law and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

6. It is made clear that this Court has not expressed any of its opinion with regard to the merits of the claim made by the petitioners and it is for the respondents to decide the issue purely on merits.

7.The writ petition is disposed of accordingly. No costs.
Consequently, the connected miscellaneous petition is closed.

16.09.2016

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Index: Yes/ No
Internet: Yes/ No

To

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R.SUBBIAH,J.

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